

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 2:18-mc-3837-WKW-GMB
	)	[WO]
JEFFERSON S. DUNN, as Commissioner	)	
of the Alabama Department of	)	
Corrections,	)	
	)	
Defendant.	)	

**ORDER**

Pending before the court are the Petition to Enforce U.S. Department of Justice Subpoena (Doc. 1) and Amended Petition to Enforce U.S. Department of Justice Subpoena (Doc. 8), both of which seek to compel Defendant Jefferson S. Dunn to comply with a Department of Justice (“DOJ”) subpoena or answer for his failure to do so.<sup>1</sup> The record before the court reflects that in May 2017 the DOJ served Subpoena No. 2017-01 on Defendant Dunn pursuant to Section 3A(b)(2) of the Civil Rights of Institutionalized Persons Act (“CRIPA”), 42 U.S.C. § 1997a-1. The court finds, based on the evidence presented in the Amended Petition, that the DOJ properly served the subpoena on Dunn; that Dunn, in his capacity as the commissioner of the Alabama Department of Corrections (“ADOC”), is headquartered within this district; that a substantial part of the events and

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<sup>1</sup> By virtue of the filing of the amended petition, the original Petition (Doc. 1) is hereby DENIED as moot.

policy decisions that gave rise to this investigation occurred in this district; and that Dunn has failed to comply with the subpoena.

Accordingly, it is ORDERED that:

1. On or before **November 14, 2018**, Dunn shall show cause in writing, if any exists, as to why the court should not issue an order directing him to comply with the CRIPA Subpoena No. 2017-01 by producing (a) the requested individual prisoner investigative files, or in the alternative all underlying factual documents supporting the investigations; (b) the attachments to the second production of incident reports; (c) all autopsy reports within his possession from 2016 until the present; (d) a list of the requested open investigative reports; (d) the I&I weekly report drafted by Director Mercado for September 2016 through September 2017; and (e) the requested individual prisoner medical records not made available for scanning.

2. The parties shall appear for oral argument and, if necessary, an evidentiary hearing regarding this matter in Courtroom 4E at the Frank M. Johnson, Jr. United States Courthouse Complex, One Church Street, Montgomery, Alabama on **December 11, 2018** at **10:00 a.m.**

DONE this 24th day of October, 2018.

A handwritten signature in black ink, appearing to be 'G3' with a flourish, positioned above a horizontal line.

GRAY M. BORDEN  
UNITED STATES MAGISTRATE JUDGE